IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9711 OF 2004

Shankar Y.Mali ...Petitioner
Versus
The State of Maharashtra & Ors. ...Respondents

Shri P.B.Shah for the Petitioner.
Shri Palekar A.G.P for the Respondents.

CORAM : S.C. DHARMADHIKARI, J.
DATE : JANUARY 16, 2006.

P.C.:

1. This petition under Article 226 & 227 of the Constitution of India is directed against an order passed by the Chief Executive Officer of the Miraj Municipal Council, terminating the services of the petitioner.

2. Shri Shah learned Counsel appearing for the petitioner points out that his services have been terminated by the impugned order on the direction of the Collector District : Sangli. He submits that the appointment being against a substantive post, it was incumbent upon the Chief Officer to have issued a notice to the petitioner and also disclose the materials, including the order of the Collector, which were adverse to him. Having not disclosed these materials and not granted a hearing, the impugned order deserves to be set-aside.

3. Shri Shah does not dispute that the petitioner took-out proceedings which were misconceived and untenable in law including approaching Civil Court against the order of termination which was passed about ten years back i.e. on 3rd July, 1995. However, he submits that the petitioner is still out of service and he is badly in need of an employment. The concerned school from where the petitioner's services have been terminated is functional. In these circumstances, he submits that opportunity may be given to the petitioner to approach the Collector as well as the Chief Executive Officer of Miraj Municipal Council afresh and request them that the grievances raised in this petition be considered.

4. In my view, interest of justice would be served, if the petitioner is granted an opportunity to approach the above officials and needless to state that if such representation is made the same shall be considered on its own merits and in accordance with law uninfluenced by the earlier termination of the petitioner's services. The petitioner seeks two weeks time to make a representation. The Authorities to dispose of the same on its own merits and in accordance with law within a period of four weeks from the date of its receipt. Petition disposed of.

(S.C.DHARMADHIKARI,J.)